Enforcement Process - Communications Subgroup	
Issue No.	1
Key Issue	External Communication: How can the TCEQ better share enforcement-related information (i.e. agreed orders, status of pending enforcement actions, etc.) with the public and the regulated community?
	Basis: Public Comment
Other Subcommittees Reviewing Issue	Complaints, Supplemental Environmental Projects, Compliance History Use, Enforcement Process
Recommendation	**Enhance TCEQ Enforcement Information on the Public Web Site** (also see issues 2 and 4) • The information currently available on the agency's external Web site is lacking in content and utility. • Redesign the enforcement portion of the Web site, keeping in mind that the definition of enforcement varies between customer groups and does not necessarily start and stop with the agency's definition. • Link the enforcement process information to other topics that relate to enforcement such as compliance history, citizen collected evidence, enforcement initiation criteria (EIC), supplemental environmental projects (SEPs), and monthly agency enforcement reports. • Implementation of HB2912 includes posting pending enforcement action data on the public Web site. The project is scheduled for development this fall, to be posted by 12/31/04. The legislative implementation team's definition for the purposes of loading data to the Web does not capture the whole picture for the public (or for staff). The definition should be expanded to include information up to when the action is complete. • Load PDFs of enforcement orders on the public site. • Link to EPA's enforcement database (www.epa.gov/idea/otis/mm_idea_query.html) to provide the additional avenue of information. Be sure that the link is accompanied by a basic description of what visitors can expect to find. **Review, Update, and Expand Agency Outreach Materials Related to Enforcement** • Review all outreach materials related to the enforcement process. Ensure that existing materials are appropriate for all customer groups (local governments, elected officials, small businesses, private citizens, etc.) • If necessary, develop revised and/or additional outreach materials. These materials should include those that can be easily modified for use on the regional level. For example, previously prepared and approved slide presentations could be loaded on the T-Net for staff outreach use. • Survey regional staff to determine if improvements are needed to existing outreach materials. **Expand Agency Outreach Efforts on the Local Level** • Focus on outreach at a regional office level. Encourage regional office staff (investigators, SBLGA, etc.) to actively pursue opportunities to speak

	to local groups, such as civic organizations and schools. • Develop incentives that recognize regional employees who voluntarily participate in local outreach events. For example, outreach activity could be considered an opportunity to obtain an "exceeds" on annual appraisals, justification for a merit increase, or an additional option under the career ladder promotion criteria. • Identify small, local media contacts that will work with the agency to promote enforcement related articles, announcements, etc.
	Basis: **Enhance TCEQ Enforcement Information on the Public Web Site** • The subcommittee noted during discussion that the small amount of enforcement information currently posted on the public site is disjointed and often buried. • Clear enforcement related information should appear within the first or second layer of the Web site. • Public comment mentioned the need to expand the content of the current Web site. **Review, Update, and Expand Agency Outreach Materials Related to Enforcement** • Only one enforcement publication currently exists that could be used to educate the general public. This document "The TCEQ Has Inspected Your Business" (RG-344), is designed to be distributed to facilities that have received an inspection. Otherwise, the agency does not have a similar outreach piece designed for the general public. **Expand Agency Outreach Efforts on the Local Level** • A large number of comments on the surveys indicated a desire to see the agency perform more outreach on the local level. • The subcommittee noted during discussion that the level of effort related to outreach varies among regions and programs.
	Implementation Impacts: • Dedicate content savvy staff and Web trained staff to create or revise Web content. Usability test to ensure desired outcome. (3 to 9 months) • Develop a content maintenance process to ensure timely, accurate information on the Web. • Dedicate evaluation, writing, editing, and design resources for outreach materials. • Dedicate staff time to present and otherwise interact with the community.
Other Alternatives	

Enforcement Process - Communications Subgroup	
Issue No.	2
Key Issue	Internal Communication: How can the TCEQ incorporate enhanced internal communication tools to improve effectiveness and consistency of the enforcement process?
	Basis: Staff Input; Subcommittee Input; and Review of Current Practices
Other Subcommittees Reviewing Issue	Enforcement Process
Recommendation	**Develop and post on the T-Net (and/or the public Web site) a step by step description of the enforcement process for staff.** (Much of this could consist of links to the public site; see issues 1 and 4.) • Each office has its own T-Net page to address its own needs. However, other staff that are not directly associated with the enforcement process, or who only deal with one portion of the process, need the whole picture. **Expand the data that will be loaded to the public site to implement HB2912 and provide additional data on the T-Net for staff viewing.** (See also issue 1.) • Internal communication would speed up if the names of the investigator, enforcement coordinator, and litigation attorney were posted on the T-Net. This should be done in conjunction with implementation of HB2912 on the public site as described under issue 1. • Load PDFs of enforcement orders on the public site to speed up answers to what exactly is in the orders. • Link to EPA's enforcement database (www.epa.gov/idea/otis/mm_idea_query.html) to provide the additional avenue of information. **Instruct staff attorneys to contact the investigator and the enforcement coordinator prior to filing the EDPRP (Executive Director's Preliminary Report and Petition).** • Whether face-to-face or via telephone conferencing, meeting by at least these key staff would promote knowledge transfer. • This requirement should be added to the litigation manual. **Evaluate matrix management of enforcement and litigation staff to include no more than two locations per case.** • It is hard enough to manage communication between two locations. If the inspector, the enforcement coordinator, and the staff attorney are all in different locations, this increases chances of miscommunication. Also, if a staff attorney is in a field office other than the office the inspector is in, the process is slowed by the need to transmit documents to and from different offices. • Even when it works internally, having staff in several locations working on a case is confusing to the public and elected officials. **Set up training and regular reinforcement of what information is available and where.**

	• New staff need training, but maintenance of knowledge is also important. • We have a "captive audience" for the T-Net, so we can show people what is available and how to access it. **Expand use of video teleconferencing.** • Provides face-to-face communication from remote locations.
	Basis: • Subgroup discussions focused on identifying improvements needed to assist enforcement and non-enforcement staff on access to information and each other. • Matrix management concerns were part of public comment received.
	Implementation Impacts: • Dedicate content savvy staff and Web trained staff to create or revise Web content. Usability test to ensure desired outcome. (3 to 9 months) • Develop a content maintenance process to ensure timely, accurate information on the Web. (Build into original development) • Change procedure in the litigation manual. • Change in matrix management procedures. • Evaluate best training vehicles and methods. Develop the training and the maintenance method. • Fund video teleconferencing.
Other Alternatives	

Enforcement Process - Communications Subgroup	
Issue No.	3

Key Issue	Complaint Education:
	     A) How can the TCEQ better educate the public on filing a complaint or reporting environmental problems?
	     B) How can the TCEQ educate the public on citizen collected evidence?

	Basis: Public Comment
Other Subcommittees Reviewing Issue	Complaints
Recommendation	**Revise the TCEQ public Web site to provide easier access to information with respect to agency complaint procedures.** • Clearly use the word "complaints" throughout the Web site, since that is the term that the public more readily relates to. • Revise the home page to include a clearly marked link to the complaint reporting information. • The complaints information should clearly delineate the different levels of complaints, such as those that need immediate response and those that will be handled the next working day. This would ensure that the complaint is clear on when to expect an agency response and knows what procedure

	to use when reporting.
	• Clear links to guidance on the definition and use of citizen collected evidence should be developed.
	• The recently developed Nuisance Odor Protocol should be added to the Web site.
	More extensively publicize the agency Web site as an avenue for complaints.
	• Take proactive steps to expand the number of Web sites of other agencies and organizations that link to our Web site.
	• Set up a WebTrends report to evaluate frequency of Web access to complaint information.
	More extensively publicize the TCEQ complaint handling procedures in forums other than the Internet, including to other people who are routinely out in the field.
	• The 1-800 complaints line number should be listed prominently and consistently in the government pages of Texas phone books ("the blue pages").
	• Information cards, which list phone number contacts for various types of complaints, should be prepared and distributed to staff so they have an easy reference guide.
	• Provide relevant information to people such as police officers and utility repair staff as to what types of things the agency would want reported. Newsletters, trade magazines, seminars, and training events would be good mechanisms for this information exchange, as well as the peace officer training the agency currently offers.
	• Survey applicable staff to determine if improvements or changes are needed on the agency brochure "Do You Want to Report An Environmental Problem?" and obtain input from the public and regulated community through the SBLGA CAP program.
	Agency staff at all levels should be encouraged to include complaint handling procedures when making presentations in appropriate venues.
	• Develop guidance instructing staff to include the complaint handling procedures in appropriate presentations.
	• Make applicable information for presentations available to staff on the T-Net, to enhance the consistency of the information presented and to minimize the need for the presenter to prepare the information each time.

	Basis:
	Although the mechanisms for effective and efficient complaint handling are in place at the TCEQ, public comments indicated that knowledge of these procedures may not be widespread. Steps should be taken to make this information more readily available to the public.
	The subcommittee looked at a number of other agency Web sites, as well as organization Web sites, to determine the frequency with which the TCEQ link appeared. A Google search was also conducted.
	The subcommittee looked at the current enforcement and complaints information on the TCEQ Web site, as well as that of other states' environmental agencies, to evaluate those items that would be best to include.
	Agency complaint handling procedures for receiving complaints by telephone, by e-mail, by mail, and through the Web were reviewed.
	Implementation Impacts: • Add a link to the home page and convert existing Web material. (1 month) • Evaluate existing Web material and usability test. (additional 2 or 3 months) • Dedicate a team to create a communications plan to targeted audiences and determine needed resources. (Resource needs depend on what audiences are targeted and level of effort.) • Contract to develop presentation materials to make available for download from the T-Net.
Other Alternatives	As an alternative to the statewide public awareness campaign recommended in Communications Issue No. 4, the agency could implement a targeted public campaign highlighting the TCEQ complaint reporting process that is aimed at particular audiences based upon certain complaint types. These types should be selected based on the risk factors incorporated in the agency work plan strategy. Targeted types of complaints should be re-evaluated annually along with the work plan.
Notes	The recommendations for more extensive publicizing of the agency complaint reporting and handling procedures would obviously increase the workload on the regional staff with respect to the complaints that would have to be investigated. While the positive side of this is obvious, it is a fact that the regional offices are in many cases already doing all that they can with respect to the workload. Resources need to be evaluated to ensure that staff workload is distributed appropriately based on agency priorities.

Enforcement Process - Communications Subgroup	
Issue No.	4
Key Issue	Enforcement Education: What is the best way to educate the public and regulated community on the enforcement process?
	Basis: Public Comment
Other Subcommittees Reviewing Issue	None
Recommendation	**Objective:** Establish a clear, concise, and direct characterization of the enforcement process that will be delivered using various communication tools to educate both the public and regulated entities. **Elements:** • Statement of Objective – to have available to all regulated entities and the public information sufficient to clearly explain the specific outcome of meeting, or failing to meet, the requirements of the TCEQ. • Clear Process Path – the enforcement process must be sufficiently logical and predictable that it can be reduced to a simple flow diagram of steps, actions, and conclusions. Obviously, this product must depend on the outcome of considerations for changes to the process as part of the overall process review. • Clear Definitions – the message must include clear definitions of the important terms, such as investigation, notice of violation, notice of enforcement, and order. • Direct and Predictable – anyone reviewing the process should be able to predict with reasonable certainty what outcome will arise from specific actions. Potential outcomes – penalties, ordering provisions, use of compliance history, and supplemental environmental projects (SEPs) – should be spelled out directly. • Management Priority – consistent description of the enforcement process should become a routine objective of agency representatives whenever the appropriate opportunity for presentation of a significant agency issue becomes available. • Staff Priority – Agency staff presented with the obligation to explain the enforcement process must be familiar with the details and capable of directing any party to the best source of information. **Communication Tools:** The focus of the communication must be on the most cost-effective media available. (Also see issues 1 and 2).

	Request proposals (bids) on a statewide agency public awareness campaign to better educate the public on what the agency does and the ways in which the agency improves and maintains the environment. Once a proposal is chosen, seek the funds needed to implement the campaign. The agency's public Web site should be the core around which the communication of the enforcement process occurs. The agency Web site should contain all of the elements of the enforcement process "package" and must be maintained so that it is consistent with any part that is transferred to print or other media for other types of distribution. Other means of communication include: • Reports or brochures that reproduce information available from the Web. • Targeted information directed to specific industry or business types (or public groups, associations, etc.) that tailor the enforcement process to specific interests or objectives (similar to the current SBLGA targeted information). • External meetings – annual Trade Fair, conferences, trade association proceedings, law conferences, local or regional meetings – all should be targeted as potential forums for agency presentation of a description of the enforcement process. • Additional use of internal tools to enhance staff coordination (see issue 2).
	Basis • Positive – a clear understanding of the process will help the public understand the other elements of enforcement and their context. A statewide campaign will reach a larger audience than other means of communication to the public. • Negative – a clear understanding of the process will increase public awareness of the legalistic, procedural complexity of the process. A negative implication of the statewide campaign is cost. Such an effort could require millions of dollars. As examples: the Drive Clean Across Texas campaign cost $3 million to initially establish and $1.5 million per year to maintain, and is targeted at only the nonattainment and near-nonattainment counties and not statewide. The statewide Don't Mess With Texas campaign cost $30 million to start up. • The success (or at least the difficulty) of the communication effort will depend significantly on the outcome of the broader effort to improve the "process."
	Implementation Impacts: 1. Agency Communications would take the lead in drafting a Request for Proposal (RFP) that would encompass all elements necessary to conduct a statewide public education campaign. This campaign would educate Texans about the roles and responsibilities of the TCEQ and specifically, how the agency enforces state and federal environmental laws. This RFP could include as deliverables what communication tools would be utilized as part of the campaign such as, printed materials, web page designs, giveaway promotional items, and radio and/or

	television public service announcements. Once a proposal is chosen, funding for the RFP would have to be secured from the appropriate sources before the campaign could be implemented. 2. Dedicate content savvy staff and Web trained staff to create or revise Web content. Usability test to ensure desired outcome. (3 to 9 months) 3. Develop a content maintenance process to ensure timely, accurate information on the Web. (Build into original development) 4. Dedicate a team to create a communications plan to targeted audiences and determine needed resources. (Resource needs depend on what audiences are targeted and level of effort.) 5. Dedicate evaluation, writing, editing, and design resources for outreach materials.
Other Alternatives	

Enforcement Process - Communications Subgroup	
Issue No.	5
Key Issue	Compliance History Education: What is the best way to educate the public and regulated community on the use of compliance history?
	Basis: Public Comment
Other Subcommittees Reviewing Issue	Compliance History Use
Recommendation	**Design an easily explainable rating system.** • We need to be able to use a familiar comparison, such as a report card or a test curve. • We need a rating system that puts compliance information into perspective. Example: if a company has a large number of inspections, the public's assumption is that they are a bad player to have needed so many. They may just have that many sites that come up for inspection. • We need relative comparisons: small business to small business; refinery to refinery. • We need to define exactly what the implications of a ranking is for a business, i.e. why they should care, what are the consequences for enforcement, permitting, and their public relations. **Rework Web and enforcement materials to relate compliance history to the rest of the enforcement process.** • Incorporate compliance history into the enforcement process description that we need to create for the public Web (see issues 1 and 4) • Keep in mind terminology that the public uses: "Are they in good standing with the TCEQ?" "Are they a good company?""How do you rank them?" • Re-label for clarification. For example, the number of inspections in CCEDS not only includes on-site inspections, but also record reviews, like DMRs. If these can't be separated in reports, we should at least modify the heading to

	indicate both, such as "Inspections and Records Reviews."
	Publish lists of poor and high performers. • Publish lists on the public Web site. • Publish lists in local newspapers (this would require funding). • Attempt to publicize in local media (media may lose interest after the first lists are published). • We would need to quality assure the rankings, so the agency should give companies a set time to challenge the ranking before publishing. **Include the rating in enforcement and permit actions** (this recommendation provided by the Compliance Use subcommittee). • We could require that compliance ratings be published in public notices required by permitting actions. • We could include the rating in the notices we publish in the *Texas Register*.
	Basis: We discussed legislative intent: • ensure compliance is factored meaningfully into the enforcement process. • provide a report card for companies. We also discussed current stumbling blocks to understanding, which we concluded are the biggest hurdle to education: • There is a fair amount of compliance history information on the public Web site. However, there is a lack of enforcement process information on the Web, so it's hard for the public to picture how compliance history fits in. • Compliance history is probably explained as well as it can be on the Web, but without the ability to put ratings and the information on compliance reports into perspective, such as small business compared to a refinery, it's hard to paint a clear picture for the public.
	Implementation Impacts: • Dedicate content savvy staff and Web trained staff to create or revise Web content. Usability test to ensure desired outcome. (3 to 9 months) • Develop a content maintenance process to ensure timely, accurate information on the Web. (Build into original development) • Funding for publishing lists in newspapers. • Changes to public notice requirements.
Other Alternatives	